



FOR IMMEDIATE RELEASE:

June 22, 2007

FACT SHEET

MAYOR CALLS FOR CENTRUM 12 BUILDING TO BE REDUCED IN SIZE IMMEDIATELY

Materials Included:

Attachment 1: Stop Work Order

Attachment 2: Restoration and Mitigation Order

Attachment 3: Letter on Spectrum 14 Building

Attachment 1



CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT

NOTICE

OWNER'S OR PERMITTEE'S NAME Craig Bachmann	JOB ADDRESS 8620 Spectrum Center Blvd
	CENSUS TRACT NO 84081
	PERMIT NUMBER 84081
	PLAN FILE NUMBER A
	CONTRACTOR Swinerton Builders
	MAIL ADDRESS FOR <input type="checkbox"/> OWNER, OR <input checked="" type="checkbox"/> CONTRACTOR 4445 Eastgate Mall # 400 San Diego CA 92121 858-362-8500

☒ VIOLATION **READ** ☒ STOP WORK

**REVERSE
SIDE**

NOTE:
PRESENT THIS NOTICE WHEN
MAKING APPLICATION FOR PERMIT

☒ NO PERMIT - REMOVE CONSTRUCTION, OR OBTAIN PERMIT AND MAKE ANY WORK COMPLY WITH BUILDING LAWS. (See comments on reverse side regarding penalty fees).

☐ CONSTRUCTION NOT IN ACCORDANCE WITH APPROVED PLANS AND PERMIT
MAKE EXISTING WORK COMPLY WITH APPROVED PLANS AND PERMIT OR REMOVE IT.

☐ CALL ZONING DIVISION AT (619) 446-5000, CONCERNING VIOLATION OF ZONING
REGULATION LISTED BELOW.

☐ CONTACT INSPECTOR AND ARRANGE FOR APPOINTMENT. (See telephone number below)

☒ CORRECTIONS REQUIRED

☒ CORRECTIONS LISTED BELOW MUST BE MADE BEFORE WORK CAN BE APPROVED.

☐ PAY REINSPECTION FEE(See back); THEN ☒ CALL FOR REINSPECTION AT (858) 581-7111

☐ PARTIAL APPROVAL

☐ WORK DESCRIBED BELOW HAS BEEN INSPECTED AND IS APPROVED.

This is a stop work order requiring all work on the structure to stop immediately. This stop work order replaces the stop work orders issued on May 18, 2007, December 13, 2006 and October 27, 2006 for this property.
No work is permitted unless and until:

- (1) the City has received a new building permit application from Sunroad and the City issued a new building permit for a replacement or modified structure on the site which has received an FAA No Hazard Determination; or
- (2) the City is provided evidence that Sunroad has received an FAA No Hazard Determination for the previously permitted building or
- (3) the City is provided evidence that Sunroad has received a permit from Caltrans which would authorize the construction of the building despite the prohibition of Public Utilities Code Section 21659.

This Stop Work Order is based on the following facts:

1. The building permit issued for this building by the City was issued without knowledge by the City that Sunroad had not complied with FAA Part 77 requirements, and Public Utilities Code Section 21569.
2. City building permits require compliance with the federal, state and local law and do not entitle the holder to violate federal, state or local law.
3. The City has been directed by the California Department of Transportation to ensure compliance with federal and state law.
4. Because the City's prior building permit was for the entire building, and the building violates federal and state law. The portions of the building below 160 feet support and maintain the portions of the building which violate state and federal law. The building has been determined to be a hazard by the Federal Aviation Administration and the California Department of Transportation. After consultation with the FAA and the California Department of Transportation, it has been determined that these agencies will not change their determination of hazard.
5. This Stop Work Order will not preclude construction pursuant to a new or revised building permit, if one is applied for by the landowner, and issued by the City, to correct the violation of federal and state law, and remove the portions of the structure which exceed the 160 foot height limit established by the Federal Aviation Administration.

THE ACTIONS OR CORRECTIONS INDICATED ABOVE ARE REQUIRED WITHIN _____ DAYS. THE
SAN DIEGO MUNICIPAL CODE REQUIRES PENALTY FEES WHEN WORK HAS BEEN STARTED WITHOUT PERMIT.

Joe Harris

NAME OF INSPECTOR (PRINT)

INSPECTOR'S SIGNATURE

858-573-1225

OFFICE TEL NO.

June 21, 2007

DATE

<input checked="" type="checkbox"/>	BUILDING
<input checked="" type="checkbox"/>	ELECTRICAL
<input checked="" type="checkbox"/>	HEATING
<input checked="" type="checkbox"/>	PLUMBING
<input checked="" type="checkbox"/>	REFRIGERATION
<input type="checkbox"/>	COMBINATION
<input type="checkbox"/>	SIGNS
<input type="checkbox"/>	MOBILE HOME

**Development Services Department
General Permit and Inspection Requirements**

Separate Building, Plumbing, Mechanical and Electrical Permits are required for each building or structure except where a Combination Permit is issued for all phases of work.

The following guidelines for plans, permits, and inspections are for informational purposes only. Referenced sections of the San Diego Municipal Code (SDMC) contain the exact legal language.

1. Required Compliance with the Land Development Code.

It is unlawful for any person to maintain or use any premises in violation of any of the provisions of the Land Development Code; for any person to erect, place, construct, convert, establish, alter, use, enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any premises; for any person, whether as owner, architect, contractor, or otherwise to install any electrical wiring, device, appliance, or equipment in such a manner that it does not comply with the provisions of the Land Development Code or to maintain an electrical system in an unsafe condition; or, for any person, firm, or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain plumbing, heating-, ventilating, air conditioning, or refrigeration equipment, or cause the same to be done, contrary to or in violation of any provision of the Land Development Code. (Section 121.0302, SDMC)

2. Fee for Work without Permit

Where work for which a Construction Permit is required by the Land Development Code is started or completed prior to obtaining the required permit, a penalty fee shall be assessed. The payment of the penalty fee shall not relieve the responsible person from complying with the provisions of the Land Development Code. (Sections 129.0106, SDMC)

3. Requirements for Approved Plans

Plans and specifications that are approved as part of the application for a Construction Permit shall be signed and stamped "APPROVED" by the Building Official and shall be filed as an attachment to the Construction Permit. Approved plans and specifications shall not be changed, modified, or altered without authorization of the Building Official. One set of the approved plans and specifications shall be returned to the applicant and that set shall be kept on the site of the structure or work at all times during which the work authorized by those plans is in progress. (Section 129.0214, SDMC)

4. Voiding/Expiration of a Construction Permit

A Construction Permit shall become void if the work authorized by the Permit has not begun within 180 calendar days of the date of permit issuance. A Construction Permit shall become void if at any time after the work is begun, the structure or work authorized by the Building Permit is suspended or abandoned for a continuous period of 180 calendar days. A Construction Permit shall expire by limitation and become void 24 months after the

date of permit issuance, unless an exception is granted. The Building Official may extend the Construction Permit one time, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the permittee prevented completion of the work. (Sections 129.0216, 129.0217, 129.0218, 129.0310, 129.0311, 129.0312, 129.0411, 129.0412, 129.0413, 129.0809, 129.0810, and 129.0811, SDMC)

5. General Rules for Construction Permit Inspections

All work for which a construction permit is issued shall be subject to inspection by the Building Official. Required inspections shall be performed in accordance with the inspection procedures established by the City, except as may be exempted by the Land Development Code. No work shall be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. No portion of any construction work shall be concealed until inspected and approved. Any portions of work that do not comply with requirements shall be corrected and such portion shall not be covered or concealed until inspected and authorized by the Building Official. A final inspection, with approval of all structures and installations, is required before occupancy and use. (Section 129.0111, SDMC)

6. Stop Work Order

Whenever any work is being performed that is contrary to the provisions of the Land Development Code, the City may order the work stopped by issuing a Stop Work Order. The Stop Work Order shall be in writing and shall be served on any person engaged in the work or causing the work to be performed. The person served with the Stop Work Order shall stop the work until authorized by the City to proceed. (Section 129.0309, SDMC)

7. Re-inspection Fee

A fee may be assessed for re-inspection: if the inspected work is determined to be incomplete; when the inspection record card is not posted or otherwise available on the work site; when the approved plans are not readily available to the inspector; for failure to provide access on the day for which the inspection is requested; when the work to be inspected is not completed prior to the inspectors arrival; or, for deviations from the approved plans. If re-inspection fees have been assessed on a site, no additional inspection of the work will be performed until the required fees have been paid. (Section 129.0112, SDMC)

Please direct inquiries regarding requirements for obtaining construction permits to the Development Services Department Information and Application Services Division, 1222 First Avenue, Third Floor, San Diego, CA 92101, (619) 446-5000

This information is available in alternative formats upon request.

From: <CHRISTOPHER.GARRETT@LW.com>
To: <mescobareck@sandiego.gov>
Date: 6/21/2007 5:03:58 PM
Subject: Confirming Telephone Advice Re Stop Work Order

Marcela,

This confirms my advice to you that the language that I drafted for the Entire Building Stop Work Order was intended to apply only to the structure itself. The language which was included in the Stop Work Order was not intended to apply to work on surrounding landscaping and storm water discharge protections and facilities.

I also confirm that because the adjacent parking structure is below the FAA height limit, the stop work order was not intended to apply to that structure.

This confirms our phone call when you just called me from the site, and I understand that you will be providing these clarifications directly to the contractor on the site. I've read this email to you, and you asked that I send it before you provide this clarifications.

Chris

Christopher W. Garrett

LATHAM & WATKINS LLP
600 West Broadway, Suite 1800
San Diego, CA 92101-3375
Direct Dial: +1.619.238.2827
Fax: +1.619.696.7419
Email: christopher.garrett@lw.com
<http://www.lw.com>

To comply with IRS regulations, we advise you that any discussion of federal tax issues in this email was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

For more information please go to <http://www.lw.com/docs/irs.pdf>

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Latham & Watkins LLP

Attachment 2



THE CITY OF SAN DIEGO

June 21, 2007

NOTICE OF VIOLATION

Location: 8620 Spectrum Center Boulevard
Assessor's Parcel No.: 369-220-39-00
Owner: Sunroad Enterprises
Attn: Craig Bachmann
Address: 4445 Eastgate Mall #400
San Diego, CA 92121-1979

The specific elements in violation include, but may not be limited to, the following:

Towers and projections on the *premises* exceed 160 feet (160 feet AGL/576 feet AMSL).

In accordance with San Diego Municipal Code (SDMC) this is to notify you that the following violation(s) were observed and must be corrected by **the dates specified in this Notice of Violation.**

RESTORATION AND MITIGATION ORDER

(SDMC, Section 121.0313)

You are hereby ordered pursuant to SDMC, Section 121.0313 to restore and mitigate the *structure* and *premises* at 8620 Spectrum Center Blvd to their lawful and prior condition where all buildings, *structures*, towers and projections on the *premises* remain below 160 feet (160 feet AGL/576 feet AMSL) in compliance with the Federal Aviation Administration ("FAA") No Hazard Determination which was issued to Mr. Craig Bachman, Sunroad Enterprises, on June 27, 2006. (Copy attached to this order)

1. All buildings, structures, towers and projections which exceed this 160 foot height level established by this June 27, 2006 FAA No Hazard Determination are unlawful and are to be removed.
2. A temporary construction crane may be used to comply with this Restoration and Mitigation Order, if such crane has received an FAA No Hazard Determination, and evidence of such determination is submitted to and approved by the City.



**Development Services Department
Neighborhood Code Compliance Division**
1200 Third Avenue, 8th Floor, MS 51N • San Diego, CA 92101-4106
Tel (619) 236-5500 Fax (619) 533-6142

Notice of Violation
8620 Spectrum Center Blvd.
June 21, 2007
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3. Pursuant to SDMC, Section 121.0312, no further permits for the *premises* shall be processed until the restoration has been completed and the specified performance criteria have been met as required by the City.
4. Pursuant to SDMC, Section 121.0312(c) all restoration and mitigation required by this Order shall be at the sole cost of the property owner, the entity which failed to obtain a valid No Hazard Determination from the FAA or a permit from the California Department of Transportation for construction above the 160 foot approved level.
5. Failure to comply with this Restoration and Mitigation Order will result in additional remedies, including without limitation enforcement action and administrative penalties pursuant to the San Diego Municipal Code.
6. Removal and mitigation is to be completed by **August 25, 2007**. Submit a schedule for removal and mitigation by **July 10, 2007**. The City will consider and may grant an extension of these dates if the written application for extension is accompanied by a schedule for removal and mitigation, an explanation for the need for the required extension, and a performance bond.

This Restoration and Mitigation Order is based on the following facts:

1. The Federal Aviation Administration has determined that a building which exceeds 160 feet is a hazard to air navigation. The California Department of Transportation has informed the City that the buildings on the site which exceed 160 feet violate Public Utilities Code Section 21659. Sunroad has failed and refused to apply for or obtain a permit from the California Department of Transportation under Section 21659. Conditions on the site became unlawful when the building on the site was constructed above the 160 foot approved level.
2. City building permits require compliance with the federal, state and local law and do not entitle the holder to violate federal, state or local law. The SDMC requires compliance with federal, state and local law.
3. The City has been directed by the California Department of Transportation to ensure compliance with federal and state law for buildings on this site.

THIS NOTICE MUST BE SUBMITTED WHEN APPLYING FOR APPROVAL TO DEVELOP AND/OR APPLYING FOR REQUIRED PERMITS.

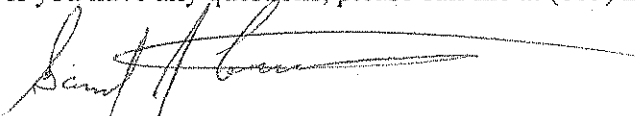
Engineering and building permits may be applied for at the Development Review Center, 1222 First Avenue, third floor. Please telephone (619) 446-5000 for general information about getting the required permits.

Notice of Violation
8620 Spectrum Center Blvd.
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Failure to comply with this Notice of Violation may result in further enforcement actions such as administrative citations, administrative abatement, civil penalties, reinspection fees, revocation of permits, recordation of the notice of violation, withholding of future municipal permits, or prosecution via criminal complaint or civil injunction.

Be advised that there is a reinspection fee (\$98.00 or \$105.00) to recover costs for additional inspection services in accordance with San Diego Municipal Code, Section 13.0103. A bill for this service will be mailed to you immediately following the third (3rd) scheduled inspection.

If you have any questions, please call me at (619) 236-6731.



Samuel Lindsey
Structural Inspector

SL/lm

Enclosure: June 27, 2007 FAA Determination of No Hazard to Air Navigation

cc: Honorable Mayor and City Council
City Attorney
Chris Garrett
James M. (Pete) Cox, 17140 Bernardo Center Dr., Suite 216, San Diego, CA 92128-2088
File

This information will be made available in alternative formats upon request.

8620_Spectrum Center Blvd_nc127_lq4



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2006-AWP-3876-OE
Prior Study No.
2006-AWP-1638-OE

Issued Date: 06/27/2006

Craig Bachmann
Sunroads Enterprises
4445 Eastgate Mall Suite 400
San Diego, CA 92121

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	BUILDING WITH MAXIMUM HEIGHT OF 160'AGL/576'AMSL
Location:	San Diego, CA
Latitude:	32-49-38.00 N NAD 83
Longitude:	117-8-30.00 W
Heights:	160 feet above ground level (AGL) 576 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 70/7460-1K, Obstruction Marking and Lighting, red lights - Chapters 4,5 (Red), & 12.

It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

 X At least 10 days prior to start of construction
(7460-2, Part I)

 X Within 5 days after the construction reaches its greatest height
(7460-2, Part II)

See attachment for additional condition(s) or information.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 12/27/2007 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310)725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2006-AWP-3876-OE.

Signature Control No: 471120-473860

(DNE)

Karen McDonald
Specialist

Attachment(s)
Additional Information
Map

7460-2 Attached

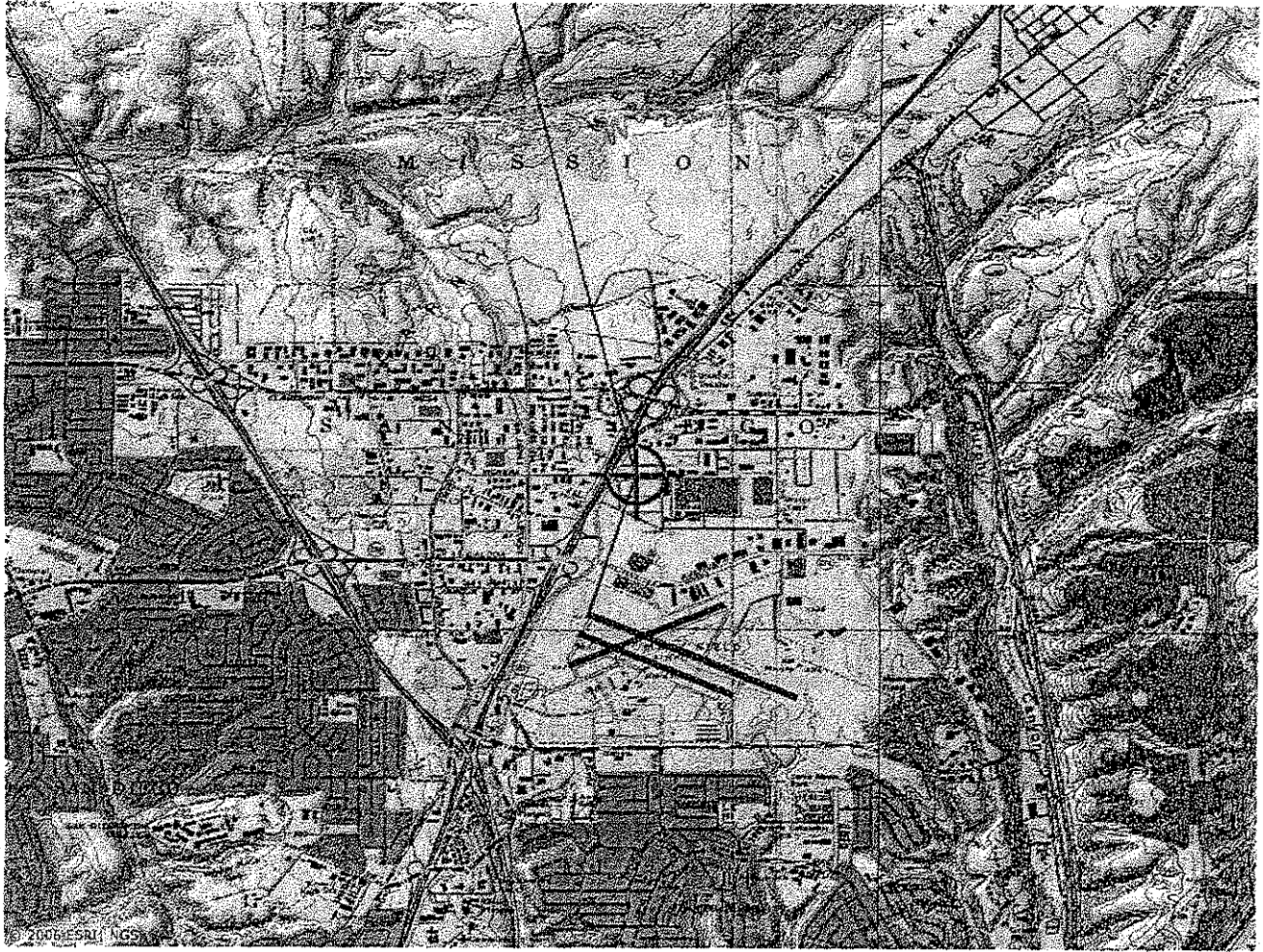
Additional Information for ASN 2006-AWP-3876-OE

THE MAXIMUM HEIGHT OF THIS BUILDING SHALL NOT EXCEED 160 FEET ABOVE GROUND LEVEL (AGL)/ 576 FEET ABOVE MEAN SEA LEVEL (AMSL). THIS MAXIMUM HEIGHT SHALL INCLUDE ALL ROOF-MOUNTED APPURTENANCES, INCLUDING BUT NOT LIMITED TO; OBSTRUCTION LIGHTING, ANTENNAS, SIGNS, PARAPETS, ELEVATOR EQUIPMENT, ETC.

ANY HEIGHT GREATER THAN 160'AGL/576'AMSL WILL ADVERSELY IMPACT INSTRUMENT FLIGHT PROCEDURES AT MONTGOMERY FIELD AIRPORT (MYF), THE CLOSEST PUBLIC-USE LANDING AREA.

UPON THE STRUCTURE REACHING ITS MAXIMUM HEIGHT, THE SPONSOR SHALL SUBMIT FAA FORM 7460-2 AS SUPPLEMENTAL INFORMATION. THIS 7460-2 FORM SHALL BE ACCOMPANIED BY AN AS-BUILT CERTIFIED SURVEY ATTACHED. THE CERTIFIED SURVEY SHALL HAVE A 1A-ACCURACY TOLERANCE.

FAILURE TO PROVIDE THIS REQUESTED INFORMATION OR NON-ADHERENCE TO THE MAXIMUM BUILDING HEIGHT REQUIREMENTS WILL RESULT IN THE ISSUANCE OF A HAZARD TO AIR NAVIGATION AIRSPACE DETERMINATION.





THE CITY OF SAN DIEGO

June 21, 2007

Sent Via Certified Mail

Craig Bachmann
Sunroad Enterprises
4445 Eastgate Mall #400
San Diego, CA 92121

Dear Bachmann:

Subject: Restoration and Mitigation Order (San Diego Municipal Code Section 121.0312)

You are hereby ordered, pursuant to San Diego Municipal Code Section 121.0312, to restore and mitigate the *structure* and *premises* at 8620 Spectrum Center Boulevard to their lawful and prior condition where all buildings, *structures*, towers and projections on the *premises* remain below 160 feet (160 feet AGL/576 feet AMSL), in compliance with the Federal Aviation Administration ("FAA") No Hazard Determination, which was issued to Mr. Craig Bachman, Sunroad Enterprises, on June 27, 2006. (Copy enclosed with this order.)

1. All buildings, structures, towers and projections which exceed this 160-foot height level established by this June 27, 2006 FAA No Hazard Determination are unlawful and are to be removed.
2. A temporary construction crane may be used to comply with this Restoration and Mitigation Order, if such crane has received an FAA No Hazard Determination, and evidence of such determination is submitted to and approved by the City.
3. Pursuant to SDMC Section 121.0312, no further permits for the *premises* other than those required to remove those portions of the structure above the 160-foot height level shall be processed until the restoration has been completed and the specified performance criteria have been met as required by the City.
4. Pursuant to SDMC Section 121.0312(c) all restoration and mitigation required by this Order shall be at the sole cost of the property owner, the entity which failed to obtain a valid No Hazard Determination from the FAA or a permit from the California Department of Transportation for construction above the 160-foot approved level.
5. Failure to comply with this Restoration and Mitigation Order will result in additional remedies, including without limitation enforcement action and administrative penalties pursuant to the San Diego Municipal Code.



Development Services

1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 446-5460

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Mr. Craig Bachmann
June 21, 2007

6. Removal and mitigation is to be completed by August 25, 2007. Submit a schedule for removal and mitigation by July 10, 2007. The City will consider and may grant an extension of these dates if the written application for extension is accompanied by a schedule for removal and mitigation, an explanation for the need for the required extension, and a performance bond.

This Restoration and Mitigation Order is based on the following facts:

1. The Federal Aviation Administration has determined that a building which exceeds 160 feet is a hazard to air navigation. The California Department of Transportation has informed the City that the buildings on the site which exceed 160 feet violate Public Utilities Code Section 21659. Sunroad has failed and refused to apply for or obtain a permit from the California Department of Transportation under Section 21659. Conditions on the site became unlawful when the building on the site was constructed above the 160-foot approved level.
2. City building permits require compliance with the federal, state and local law and do not entitle the holder to violate federal, state or local law. The San Diego Municipal Code requires compliance with federal, state and local law.
3. The City has been directed by the California Department of Transportation to ensure compliance with federal and state law for buildings on this site.


Marcela Escobar-Eck
Director, Development Services Department

lgb

Enclosure: June 27, 2007 FAA Determination of No Hazard to Air Navigation.

c: Honorable Mayor and City Council
City Attorney
Melody Negrete, Acting NCC Deputy Director
Chris Garrett
James M. (Pete) Cox, 17140 Bernardo Center Dr., Suite 216, San Diego, CA 92128-2088

Attachment 3

October 30, 2006

Mr. John Jackson
Sunshine Permit Service, Inc.
8678 Sky Rim Drive
Lakeside, CA 92040

Dear Mr. Jackson:

Subject: **Sunroad Centrum-14 SCR** 2nd Assessment Letter; Project No. 104341; Job Order No. 42-6517; Kearny Mesa Community Plan area

The Development Services Department has completed the 2nd review of the above referenced project.

- Substantial Conformance Review (SCR) (PROCESS 2) for the construction of a 14-story, 355,000 square foot commercial office building with one level of subterranean parking and a 7-level parking structure in conformance with the conditions and requirements of the New Century Center Master Plan LDR Nos. 96-0165 & 99-1269 located in the CC-1-3, IL-2-1 zones of the Kearny Mesa Community Plan area.

Attached to this Assessment Letter is a Cycle Issues Report (Enclosure 1) which contains review comments from staff representing various disciplines, outside agencies and the community planning group. The purpose of this Assessment Letter is to summarize the significant project issues and identify a course of action for the processing of your project.

If any additional requirements should arise during the subsequent review of your project, we will identify the issue and the reason for the additional requirement. To resolve any outstanding issues, please provide the information that is requested in the Cycle Issues Report. If you choose not to provide the requested additional information or make the requested revisions, processing may continue. However, the project may be recommended for denial if the remaining issues cannot be satisfactorily resolved and the appropriate findings for approval cannot be made.

As your Development Project Manager, I will coordinate all correspondence, emails, phone calls, and meetings directly with the applicants assigned "Point of Contact." The addressee on this letter has been designated as the Point of Contact for your project. Please notify me if you should decide to change your Point of Contact while I am managing this project.

I. REQUIRED APPROVALS - Your project as currently proposed requires the processing of:

- **Required approvals:** Substantial Conformance Review (SCR) for the construction of a 14-story, 355,000 square foot commercial office building with one level of subterranean parking and a 7-level parking structure in conformance with the conditions and requirements of the New Century Center Master Plan LDR Nos. 96-0165 & 99-1269.

II. SIGNIFICANT PROJECT ISSUES: The significant project issues are summarized below. Resolution of these issues could affect your project. Additional explanation is provided in the Cycle Issues Report.

KEY ISSUES:

- LDR Planning requests that you identify where the SDG&E substation will be located on the site. Please see the Cycle Issues for more details and other concerns.
- LDR Environmental and Long Range Planning request that you provide information regarding the FAA Obstruction Evaluation and Airport Airspace Analysis. Please see the Cycle Issues for more details and other concerns.

III. PROJECT ACCOUNT STATUS: Our current accounting system does not provide for real-time information regarding account status, however, our records show approximately **\$11,909.57** billed to date. I am attaching the latest copy of your statement for your use. Based on the processing point, unresolved issues, and level of controversy of your project, it is anticipated that approximately **\$12,000.00** will be required with your resubmittal. This amount will cover the deficit of **\$6,854.39**. Your attention to this deficit is greatly appreciated.

During the processing of your project, you will continue to receive statements with the break-down of staff charges to your account. Duplicates of these statements are attached (Enclosure 2). Should you have questions about those charges, please feel free to contact me directly.

IV. TIMELINE: Upon your review of the attached Cycle Issues Report, you may wish to schedule a meeting with staff and your consultants prior to resubmitting the project. Please phone me if you wish to schedule a meeting with staff. During the meeting, we will also focus on key milestones that must be met in order to facilitate the review of your proposal and to project a potential timeline for a hearing date. Your next review cycle should take approximately 20 days to complete.

V. RESUBMITTALS/NEXT STEPS: When you are ready to resubmit, please phone (619) 446-5300 and request an appointment for a "Submittal-Discretionary Resubmittal." Resubmittals may also be done on a walk-in basis, however you may experience a longer than desirable wait time. In either case, please check in on the third floor of the Development Service Center (1222 First Avenue) to be placed on the list for the submittal counter. At your appointment, provide the following:

A. Plans and Reports: Seven (7) sets of plans as shown on the attached Submittal Requirements Report (Enclosure 3). The plans should be folded to an approximate 8½ x 11 inch size.

B. Cycle Issues Report response letter: Prepare a cover letter that specifically describes how you have addressed each of the issues identified in the Cycle Issues Report and any issues identified in this cover letter, if applicable. Or, you may choose to simply submit the Cycle Issues Report, identifying within the margins how you have addressed the issue. If the issue is addressed on one or more sheets of the plans or the reports, please reference the plan, sheet number, report or page number as appropriate. If it is not feasible to address a particular issue, please indicate the reason. Include a copy of this Assessment Letter, Cycle Issues Report and your response letter if applicable, with each set of plans.

C. Account: Submit a check in the amount of **\$12,000.00**. Payment should be made payable to the City Treasurer. Please include the project "work order" number 42-6517, on your check.

Bulletin 620 which is available on our department website at <http://www.sandiego.gov/development-services/>, provides some valuable information about the advisory role the Community Planning Group. For your reference, Council Policy 600-24 available on the City website at <http://clerkdoc.sanmet.gov/Website/council-policy>, provides "Standard Operating procedures and Responsibilities of recognized Community Planning Committees".

VI. STAFF REVIEW TEAM: Should you require clarification about specific comments from the staff reviewing team, please contact me, or feel free to contact the reviewer directly. **The names and phone numbers of your reviewers are listed on your Cycle Issues.**

In conclusion, please note that information forms and bulletins, project submittal requirements, and, the Land Development Code, may be accessed on line at <http://www.ci.san-diego.ca.us/development-services/industry/forms.shtml>. Many land use plans for the various community groups throughout the City of San Diego are now available on line at <http://www.sandiego.gov/planning/profiles/>.

For modifications to the project scope, submittal requirements or questions regarding any of the above, please contact me prior to resubmittal. I may be reached by phone at (619) 446-5439 or via e-mail at jacruz@sandiego.gov.

Sincerely,

John Cruz
Development Project Manager

JC/jc

Page 4
John Jackson
October 30, 2006

Enclosures:

1. Cycle Issues Report
2. Account Statements
3. Submittal Requirements Report

cc: File
Project Management Administrative Aide
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Reviewing Staff (Assessment letter only)